

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

BRIAN R. LOCKE,

Plaintiff,

v.

Case No. 10-C-24

NICHOLAS CHIARKAS, KELLIE KRAKE,
DEBORAH SMITH, KEITH SELLEN, CATHE HAHN,
KATHRYN SIEVERS, DAVID STOKES, DAVID FEISS,
and JOHN DOES 1-50,

Defendants.

DECISION AND ORDER

The plaintiff, Brian R. Locke, a state prisoner, filed a pro se complaint under 42 U.S.C. § 1983, alleging that his civil rights were violated. He also filed a motion for leave to proceed in forma pauperis and a motion to appoint counsel.

The United States Court of Appeals for the Seventh Circuit sanctioned the plaintiff when he appealed from the dismissal of a complaint he filed in the United States District Court for the Western District of Wisconsin. The Court of Appeals ordered that “until Locke has paid in full the filing fees for filing this suit in the district court and for this appeal, the clerks of all federal courts in this circuit are directed to return unfiled any papers submitted either directly or indirectly by him or on his behalf.” Locke v. Frank, et al., No. 08-1278, slip op. at 2 (7th Cir. May 22, 2008). The order provided that “[t]his filing bar will be lifted immediately once Locke makes full payment.” Id.

The court has confirmed that the plaintiff has not paid the filing fees due to the Court

of Appeals in that case or the underlying suit in the United States District Court for the Western District of Wisconsin. Accordingly, the plaintiff's complaint should have been returned to him unfiled.

NOW, THEREFORE, IT IS HEREBY ORDERED that the Clerk of Court shall strike the plaintiff's complaint, terminate pending motions, and close this action.

IT IS FURTHER ORDERED that the Clerk of Court shall return the \$1.86 paid by the plaintiff in this case to the plaintiff's prison trust account.

Dated at Milwaukee, Wisconsin this 7th day of June, 2010.

BY THE COURT:

s/Patricia J. Gorence

PATRICIA J. GORENCE

United States Magistrate Judge